

Application No.: 09/728,267  
Response dated: January 21, 2004  
Reply to Office Action of March 27, 2003

### REMARKS

Reconsideration of the present claims, in light of the attached claim clarifications and the Remarks, which follow, is respectfully requested.

Claims now before the Examiner are 1-10, claims 11-29 having been withdrawn.

The changes from "X" and "Y", to "D" and "E" are merely changes in designation to prevent duplication or confusion.

The changes from "Ar" to "Ar1" are merely to recognize that the original intent of the language was to have two "Ar's", and to differentiate, later in the text (same paragraph) the notation "Ar1" is used.

#### **Restriction under 35 U.S.C. § 121**

Restriction to one of the following inventions is required:

- I. Claims 1-10, drawn to A catalyst Composition, classified in class 502, subclass 117.
- II. Claims 11-23, drawn to Continuous Olefin Polymerization Process in a reactor, classified in class 526, subclass 160.
- III. Claims 24-29, drawn to Method for Controlling Static Charges in a Polymerization Reactor, classified in class 526, subclass 72.

The Examiner states that Inventions I and II are related as a product and process of use. And that Inventions I and III are related as product and process of use. The Examiner maintains in the first case that the catalyst and cocatalyst claimed in Group I could be used for other purposes other than olefin polymerization. And in the second case, the Examiner maintains that the process can be practiced with another materially different product. Applicants are not convinced that any substantial body of information exists to support such assertions, nor that whatever such body's content that it is different enough from the present field to not present a burden on the Patent Office to search and examine both Groups I, II and III.

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Nonetheless, to advance Prosecution, Applicants affirm their election without Traverse of the claims of Group I, Claims 1-10. Applicants reserve the right to pursue non-elected claims at a future date of their choosing, without prejudice.

#### **Claim Objections**

Claims 1-10 are Objected to because in claims 2-3, X and Y can represent halogenated moieties and Yttrium, respectively. Applicants certainly agree that X and Y can be such items, but the present Description is clear at page 7, lines 24-27 (X) and page 8, line 2, with definitions of each, and with these definitions Applicants have met their burden of description. Nonetheless, because X and Y are used again in the Description (page 17, lines 4-5) Applicants agree to change the letter designations of X and Y.

Withdrawal of the Objection is respectfully requested.

#### **Rejections under 35 U.S.C. § 112**

*Claims 2, 5, and 10 stand rejected under 35 U.S.C. § 112, second paragraph.*

The antecedent basis issues raised by the Examiner have been addressed by the claim clarifications.

Withdrawal of the Rejection is respectfully requested.

#### **Rejections Under 35 U.S.C. § 102 and 35 U.S.C. § 103**

*Claims 1-9 stand Rejected under 35 U.S.C. § 102 (e) as Anticipated by US 6,512,019 (Agarwal).*

The Examiner maintains that Agarwal teaches a catalyst composition modifier at column 7, lines 10-20. Applicants do not agree. What Agarwal teaches is an activator, which activates the suggested metallocenes. By contrast, the claimed static charge modifiers "...does not possess an active hydrogen or other reactive group...", claim 1 (emphasis added), as such, the claimed compounds would not activate a metallocene catalyst component.

Based on this difference, no Anticipation exists. Withdrawal of the Rejection is respectfully requested.

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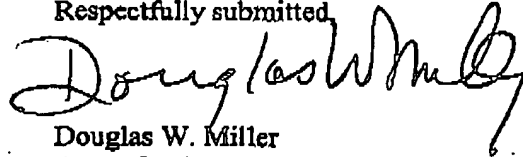
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Note is made that the correspondence should be sent to:

Douglas W. Miller  
In representation of Univation Technologies, LLC  
c/o Judith A. Kruger  
5555 San Felipe, Suite 1950  
Houston, Texas 77056  
Facsimile: 713.892.3687

However the telephone number for Douglas W. Miller is (713) 780-7799.

Respectfully submitted,

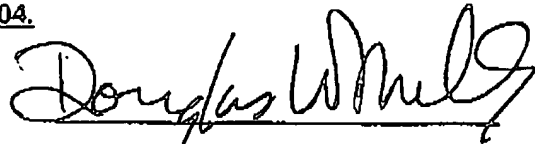


Douglas W. Miller  
Agent for Applicants  
Registration No. 36,608

Southwest Patent Services  
510 Bering Drive, Suite 300  
Houston, Texas 77057  
(713) 780-7799

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Douglas W. Miller  
Registration No. 36,608

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